

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**B. B., a minor, by and
through his mother and next friend,
OWENA KNOWLES,**

Plaintiff,

v.

**PAWN CITY, INC., INTERSTATE
ARMS CORP., and NORINCO a/k/a
CHINA NORTH INDUSTRIES CORP.,
et al.,**

Defendants.

Case No.: 3:06-cv-00715-MHT

REPORT OF THE PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f) and this Court's Order dated April 4, 2007, a meeting was held on June 27, 2007, at the law office of Pittman, Dutton, Kirby & Hellums, P.C., and through electronic correspondence. The following individuals participated:

- a. David J. Hodge for Plaintiff;
- b. John D. Gleissner for Defendant Pawn City, Inc.;
- c. Todd M. Higey for Defendant Qiqihar Hawk Industries Co. Ltd.; and
- d. James C. Barton, Jr. and Alan D. Mathis for Defendant Norinco.

Plaintiff will require discovery from Qiqihar Hawk Industries Co. Ltd. to determine the validity of its position that it is not the manufacturer of the product at issue: the shotgun. If Qiqihar Hawk Industries Co. Ltd. is correct that Heilongjiang Hawk Group Co. Ltd. is the manufacturer, it is anticipated that a minimum of 90 days will be required to obtain service on that new defendant. In order for Heilongjiang Hawk Group

Co. Ltd. to have a reasonable period in which to conduct discovery and defend itself, the proposed trial date has been set beyond the “7 to 10 months” stated in this Court’s Order dated April 4, 2007.

The parties recognize that it may take longer than 90 days to serve a new Chinese defendant, and respectfully submit that an amendment to this discovery schedule may become necessary. Because of the complexities of the situation and the departure from the Court’s suggested schedule, the parties respectfully request a conference call with the Court before entry of the scheduling order.

2. **Pre-Discovery Disclosures**: The parties will exchange by *July 31, 2007*, the information required by Fed. R. Civ. P. 26(a)(1), to the extent not already accomplished.

3. **Discovery Plan**: The parties jointly propose to the Court the following discovery plan:

(a) **Subjects**: Discovery will be needed on the following subjects: allegations of the Plaintiff’s Complaint, alleged damages, identification of the entity that manufactured the subject product, and Defendants’ defenses;

(b) **Discovery Deadline**: All discovery commenced in time to be completed by *May 26, 2008*. Discovery on the issue of identification of the entity that manufactured the subject product commenced in time to be completed by *October 1, 2007*.

(c) **Interrogatories**: Maximum of **40** interrogatories, including subparts, by each party to any other party. Responses due 30 days after service.

(d) **Requests for Admission:** Maximum of **30** requests for admission, including subparts, by each party to any other party. Responses due 30 days after service.

(e) **Requests for Production:** Maximum of **40** requests for production, including subparts, by each party to any other party. Responses due 30 days after service.

(f) **Depositions:** Maximum of **10** additional depositions by the Plaintiff and **10** additional depositions by the Defendants. Each deposition is limited to a maximum of 7 hours unless extended by agreement of the parties.

(g) **Expert Testimony:** The disclosure of expert witnesses including complete reports under Fed. R. Civ. P. 26(a)(2) from any retained or specially employed experts are due:

- (i) From the Plaintiff by: ***January 7, 2008.***
- (ii) From the Defendants by: ***March 3, 2008.***

(h) **Supplementation:** Supplementation under Rule 26(e) due within 30 days of knowledge of the need to supplement but not later than 30 days before the completion of discovery.

4. **Other Items:**

(a) **Scheduling Conference:** The parties request a conference with the Court before entry of the scheduling order.

(b) **Pretrial Conference:** The parties request a pretrial conference on ***September 8, 2008.***

(c) **Pleadings and Parties:**

(i) Plaintiff should be allowed until ***October 15, 2007***, to join additional parties and amend the pleadings.

(ii) Defendants should be allowed until ***November 12, 2007***, to join additional parties and amend the pleadings.

(d) **Dispositive Motions:** All potentially dispositive motions must be filed by ***June 9, 2008***.

(e) **Settlement:** Settlement cannot be evaluated prior to the parties conducting further discovery.

(f) **Final Lists:** Final lists of witnesses and exhibits under Rule 26(a)(3) should be due on ***August 11, 2008***. Parties should have ***14*** days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

(g) **Trial:** The case should be ready for trial on ***October 6, 2008***.

s/ David J. Hodge

David J. Hodge

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